

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00024-RJC

USA

v.

WILLIAM KEE III (3)

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ORDER

THIS MATTER comes before the Court on the defendant's Motion to Transport to Funeral Services. (Doc. No. 440).

Title 18, United States Code, Section 3142(i) gives the Court authority to temporarily release a defendant, in the custody of a United States marshal or another appropriate person, for a compelling reason. The defendant is detained pending a Petition to revoke his supervised release. (Doc. No. 431). He seeks release from custody and transportation by the United States Marshal Service (USMS) to attend a visitation for his recently deceased father on Saturday, July 14, 2018. (Doc. No. 440: Motion at 1).

A magistrate judge ordered the defendant's current detention based on a finding that he had not shown by clear and convincing evidence that he will not flee or pose a danger to any other person or the community. (Doc. No. 436: Order at 2). He was detained initially in this case based, in part, on a finding that clear and convincing evidence showed he committed the underlying offense while in violation of his state probation by absconding, possessing a firearm, and committing other violations. (Doc. No. 61: Order at 1). The defendant characterizes the instant alleged violations of the conditions of his supervised release as "technical," (Doc. No.

440: Motion at 1); however, if proven, they show a pattern of deceptive interactions with his probation officer. (Doc. No. 431: Petition at 4-5).

While the Court is sympathetic to the defendant's recent loss, these circumstances combined with his criminal history, which includes weapon possession and assault, (Doc. No. 431-2 at 1), cause the Court to decline to exercise its discretion to release the defendant temporarily in the custody of the USMS based on the substantial risk of flight and danger he presents.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: July 13, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

